

January 18, 2013

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Hon. Alison J. Nathan, USDJ  
United States District Court,  
Southern District of New York  
United States Courthouse, Courtroom 23B  
500 Pearl Street, Room 615  
New York, NY 10007-1312

**Re:     *On Track Innovations Ltd. v. T-Mobile USA, Inc.,*  
Case No. 1:12-cv-02224 (AJN)**

Dear Judge Nathan:

We represent plaintiff On Track Innovations Ltd. (“OTI”), and are writing to update the Court and request guidance on the presentation details of the upcoming technical tutorial (February 11, 2013 at 10:00 a.m.) and claim construction hearing (February 21, 2013 at 10:00 a.m.) in the above-referenced action.

For the technical tutorial, OTI will require at least two hours in order to allow presentations by its witnesses, Dr. Alyssa Apsel (expert witness), and Mr. Hemy Itay (an inventor of the patent at issue), both of whom have submitted declarations in support of OTI’s claim construction. Each witness will require approximately one hour to present the technical basis for his/her declaration, as well as to allow questioning by the Court and/or opposing counsel.

For the claim construction hearing, the parties have agreed that there will be no live witnesses. However, we have not been able to agree on the time and format for the hearing. We propose that the format of the hearing be simple: OTI will present its arguments on all claim terms at issue; T-Mobile will then present its arguments on all claim terms at issue; and finally, OTI may present a short rebuttal. We believe that with one claim at issue, involving five claim elements to be construed, one hour of argument time per side should suffice.

We request the Court’s advance guidance on its preferred mode of presentation for the hearings, in order to allow us to prepare accordingly.

Very truly yours,

Guy Yonay

cc: All counsel of record